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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,957	09/15/2003	Don Chernoff		8391

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05/06/2005

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EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,957

Applicant(s)

CHERNOFF, DON

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 21-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/28/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

1. The proposed drawings dated 01/28/05 contain new matter:
 - a) The original disclosure does not teach portion 31 on the specific location of the luggage.
 - b) It is unclear how portion 30 are attached to portions 31 and portions are attached again to 30 again as shown in the proposed drawings.
 - c) Portion 40 in proposed Fig. 4.
 - d) The downward opening of portion 11 in Fig. 6.
2. In view of the disapproval of the proposed drawings, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, cover partially covers the front and back surfaces and lateral surfaces (cl. 1), the male/female clips (cl. 23, 27) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The original drawings are objected to: a) the garment bag in Fig. 2 is not the same as the one in Fig. 3. The one in Fig. 3 does not have any thickness, b) it seems that the handle would interfere with the top flap 15 in Fig. 6. Furthermore, it is unclear where are the handle and wheels and the attachment means in Fig. 6

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. **The objection to the drawings will be held in abeyance.**

3. Claims 21-27 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not teach the cover partially covers the front and back surfaces and lateral surfaces. The drawing only show the cover completely covers the front and back surfaces and lateral surfaces. In claim 27, the original disclosure does not teach the limitation of neither the garment bag nor suitcase all of a single gender, and the set of clip is reversed. This is a new matter rejection.

4. Claim 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how neither the bag nor suitcase has clips all of a single gender and the clip being reversed.

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“set of clip” has no antecedent basis.

5. Claims 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghiassi (4598803) in view of either Quinton (2472491) or Rekuc et al. (5743363). Ghiassi teaches a luggage with a front surface 114, back surface 116, lateral surface (one having the handle 118 and an opposite surface), top and bottom surfaces (one has portion 140 in Fig. 3), a garment bag cover the front, back and the two lateral surface. Ghiassi meets all claimed limitations except for the retractable handle and wheels. Either Quinton or Rekuc teaches that it is known in the art to provide a retractable handle and wheels. It would have been obvious to one of ordinary skill in the art to provide a retractable handle and wheels to transport the suitcase easily.

With respect to the top and bottom being free of contact with the bag, it is submitted that portion 50 can be unattached so that the bag would not be in contact with the suitcase.

Furthermore, it would have been obvious to one of ordinary skill in the art to eliminate the lateral straps when its function is not desired.

6. Claims 21, 23, 24, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro (4206835) in view of either Quinton (2472491) or Rekuc et al. (5743363). Shapiro teaches a luggage with a front surface 30 (fig. 6), back surface (opposite 30), lateral surface (one having the handle 36 in fig. 4), top and bottom surfaces (one having portions 66), a garment bag cover the front, back and the two lateral surface. Shapiro meets all claimed limitations except for the retractable handle and wheels. Either Quinton or Rekuc teaches that it is known in the art to provide a retractable handle and wheels. It would have been obvious to one of ordinary skill in the art to provide a retractable handle and wheels to transport the suitcase easily.

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7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Ghiassi or Shapiro rejections in view of Plath (5240106). Plath teaches that it is known in the art to provide hook and loop fasteners for attaching another containers at 59, 60, and 30. It would have been obvious to one of ordinary skill in the art to provide hook and loop fasteners in Ghiassi as taught by Plath to provide added protection.

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

9. In view of the 112 matters as set forth above, the allowability of claim 26 can not be determined at this time.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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